



Office of the Mayor

NEWS RELEASE

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Board to weigh felony charges against firefighter

SOUTH BEND – The Board of Public Safety has set a special meeting to consider placing a South Bend firefighter on administrative leave without pay while felony charges of driving while intoxicated are pending against him.

Capt. James Gadacz, 51, was arrested at 1:30 a.m. today (Friday, March 02, 2007) by St. Joseph County police on felony charges of driving while intoxicated. While off duty and driving his personal vehicle, Gadacz was pulled over by county police within the city limits on the 1100 block of North Niles Avenue after the vehicle had been seen crossing the center line, according to Chief Luther Taylor of the South Bend Fire Department. Gadacz refused a breathalyzer test and was booked into the St. Joseph County jail, the chief said.

The St. Joseph County Prosecutor's office indicated plans to file felony charges this afternoon, according to City Attorney Thomas Bodnar.

This incident is the second DWI charge facing Gadacz in a little more than year. On Feb. 22, 2006, Gadacz had been arrested on a misdemeanor charge of operating a vehicle while intoxicated. While off-duty and driving a personal vehicle, Gadacz was involved in a single car accident on the Indiana Toll Road in Elkhart County. Gadacz was demoted from captain to engineer by the Board of Public Safety on May 17, 2006, while undergoing a court-mandated treatment program. His rank was restored Nov. 17 after completing the program.

"In my 21 years as fire chief, I have never dealt with anyone with a second offense on DWI. This is new territory for me," Taylor said. "I'm very saddened that this incident has occurred. ... I respect the court system to do what it has to do. This incident does not represent our department, who are dedicated professionals and among the best in the state

and country.”

The chief said he planned to place Gadacz on administrative leave with pay, effective Monday, when the firefighter is scheduled to return to duty. That action represents the full extent of what the chief is authorized to do.

The Board of Public Safety, not scheduled for a regular meeting until March 14, has called a special meeting for 8:30 a.m. Wednesday (March 7, 2007) to consider placing Gadacz on administrative leave without pay.

“Once criminal charges have been filed, the board cannot bring disciplinary charges against him while criminal charges are pending,” Bodnar said, describing the board’s oversight of the police and fire departments. “The practice of the chiefs of each department whenever there’s a criminal charge -- felony or misdemeanor, traffic or otherwise – is to recommend that the officer be placed on administrative leave without pay.”

Further action against Gadacz by the Board of Public Safety would await the outcome of the criminal proceedings. If a suspended firefighter or police officer is exonerated, the board may choose to award back pay. Of nearly 10 cases in which the board has ordered administrative leave without pay, in only one incident were charges dismissed.

According to state statute, a firefighter or a police officer cannot hold a position in public safety if convicted of a felony.

A 29-year veteran of the fire department, Gadacz is eligible to retire. “Jim certainly has been one of our most outstanding captains, has been great in the role of leadership as captain and has presented himself very professionally throughout his career. That’s why it’s a very sad day for me,” Taylor said.